



DAC #4

Docket No.: 614.1753C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshiyuki ITO

Application No.: 09/748,370

Group Art Unit:

Confirmation No.:

Filed: December 27, 2000

Examiner:

For: INFORMATION EXTRACTION DEVICE AND STORAGE MEDIUM

PETITION TO WITHDRAW ABANDONMENT or REVIVE UNDER 37 CFR § 1.137(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment under 37 CFR 1.53 (f) or (g) was mailed July 7, 2003 stating that "[n]o reply was received" to the "Notice to File Missing Parts ... mailed on February 9, 2001" which was actually a Notice to File Corrected Application Papers. Applicants hereby petition to withdraw the holding of abandonment or, in the alternative, revive the application under 37 CFR § 1.137(a).

Attached are the return copy of the Notice of Abandonment and a copy of the papers that were filed in response to the Notice to File Corrected Application Papers. As indicated in the Communication to the Examiner filed May 6, 2003 (but misdated April 6, 2003, see the attached copy of the postcard receipt dated May 6, 2003), a Response to Notice to File Corrected Application Papers was filed on April 9, 2001. The return copy of the Notice to File Corrected Application Papers that was included in the papers filed on April 9, 2001 correctly identified the serial number of the application. However, as described in the May 6, 2003 Communication to the Examiner, the transmittal letter had a typographical error in the serial number.

It is submitted that given the conflicting serial numbers on the Notice to File Corrected Application Papers and the Response thereto, the Patent and Trademark Office should have had no difficulty matching the drawings submitted on April 9, 2001 with the correct application. therefore, it is submitted that the application should not have been abandoned and withdrawal of the abandonment is respectfully requested.

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OFFICE OF PETITIONS

If this Petition for Withdrawal of Abandonment is not granted, Applicants request revival of the application under 37 C.F.R. § 1.137(a) for the reasons set forth above. It should be clear that the abandonment was unintentional, since a Response was timely filed. Therefore, it would be inappropriate to require revival under 37 C.F.R. § 1.137(b).

Referring to M.P.E.P. § 711.03(c), it is believed that no fee is necessary for this Petition. If it is determined that revival under 37 CFR § 1.137(a) is required, please charge the appropriate fee to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9/22/03

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